

Wilson County Board of Zoning Appeals Minutes
July 18, 2019

The Wilson County Board of Zoning Appeals met July 18, 2019 at 9:00 a.m. in the County Commission Room of the Wilson County Courthouse, Lebanon, Tennessee, pursuant to public notice. Those members present were Abercrombie, Blaydes, Kawczynski, Neal, Thompson and Thorne. Also, present was County Planning staff, Building Inspector staff, Storm Water staff and County Attorney, Mike Jennings and Court Reporter Teresa Hatcher, hired by the county.

Thompson called the meeting to order. Thompson informed individuals with questions or who desire to make comments before the Board concerning the cases to approach the podium when asked by the Chairman and to sign in on the sign-up sheet giving name, address, and case of interest. Thompson informed individuals that anyone desiring to withdraw or request deferral could do so at this time. Thompson informed everyone that a stenographer was present and individuals could get with her at the end of the meeting if they desired a transcript of the meeting. Thompson then asked all individuals who desired to make statements before the Board to raise their hands. He thereupon administered the oath to each and every one of the prospective witnesses. Thompson stated that staff makes recommendations which are considered by the Board.

Minutes of the June 20, 2019 meeting were read and approved, motion made by Kawczynski, second by Abercrombie and all voting aye.

The following cases were presented:

CASE 3708

REQUEST: Philip Priebe is seeking a variance of eighteen (18) feet from the east rear yard setback of requirement of forty (40) feet in order to make an addition to the house. The existing house is twenty-two (22) feet from the east rear property line. The property located at 803 Baker Place, Lot 8, Kingsridge is Group "D", Parcel 7 on Wilson County Tax Map 76 "I". The property consists of forty thousand and ten (40,010) square feet and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.05 AREA REGULATIONS - C. REAR YARD - 1. For principal structures (not served by public sewer system) there shall be a rear yard of not less than forty (40) feet. [revised 12-13-93 revised resolution 07-7-4]

ACTION: Staff read recommendations. Applicant appeared presenting his case. Stewart Knowles, contractor appeared. After discussion, motion made by Kawczynski, second by Abercrombie and all voting aye, the request was approved.

CASE 3709

REQUEST: Joe Brown is seeking to establish a legal lot of record and a variance of ten (10) feet from the lot width requirement of one hundred and twenty-five (125) feet in order to make an addition to the house. The property located at 7065 John Hagar Road is Parcel 38.01 on Wilson County Tax Map 97. The property consists of forty-three

thousand, seven hundred (43,700) square feet and is zoned R-1 Residential. The property became of record May 20, 1975.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.20 GENERAL EXCEPTIONS - 3.20.01 SUBSTANDARD LOT OF RECORD. Where the owner of a lot of record is defined in Article 2, Definitions does not own sufficient land to enable him to conform to the yard and other requirements of this Resolution, such lot may be used as a building site by the same or a subsequent owner provided that the yard space and other requirements shall conform to the requirements for the zone in which it is located. The lot must have been of official record as of July 10, 1974.

ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.05 AREA REGULATIONS - E. LOT WIDTH

3. Where dwellings are not served by a public sewer system there shall be a minimum lot width of one hundred twenty-five (125) feet at the front building line.

ACTION: Staff read recommendations. Applicant appeared presenting his case. After discussion, motion made by Abercrombie, second by Neal and all voting aye, the request was approved.

CASE 3710

REQUEST: **Michael Dunson** is seeking to establish a legal lot of record without public road frontage in order to build a deck on the front and back of the existing house and to make an addition to an existing accessory structure. The property located at 13890 Central Pike is Parcel 51 on Wilson County Tax Map 101. The property consists of 13.20 acres and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.20 GENERAL EXCEPTIONS - 3.20.01 SUBSTANDARD LOT OF RECORD. Where the owner of a lot of record is defined in Article 2, Definitions does not own sufficient land to enable him to conform to the yard and other requirements of this Resolution, such lot may be used as a building site by the same or a subsequent owner provided that the yard space and other requirements shall conform to the requirements for the zone in which it is located. The lot must have been of official record as of July 10, 1974.

SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.03 No building shall be erected on a lot which does not continuously abut at least one public street for at least fifty (50) feet.

ACTION: Staff read recommendations. Applicant appeared presenting his case. After discussion, motion made by Thorne, second by Abercrombie and all voting aye, the request was approved based on staff recommendations.

CASE 3711

REQUEST: **Rollin Busk** is seeking to live in a RV while remodeling an existing house. The property located at 1767A Greenwood Road is Parcel 22 on Wilson County Tax Map 104. The property consists of twenty-five thousand, eight hundred and thirty (25,830) square feet and is zoned A-1 Agricultural. The property received a variance on the lot size requirement on May 18, 2018.

ORDINANCE REFERENCE: SECTION 5.20 AGRICULTURAL (A-1) - 5.20.04 USES PROHIBITED - Uses not specifically permitted or permissible on appeal. Travel Trailers as defined in the Wilson County Zoning Ordinance are not permitted as a

permanent dwelling and therefore, the County Zoning Administrator will not release electrical permits for such to be connected in one location for an extended period, nor will the Administrator issue building permits or occupancy permit for these structures unless they are converted and constructed with a permanent foundation and required perimeter foundation wall across all sides of the structure. Travel Trailers ARE however permitted to be stored on a property in this zone district as long as they are owned by the property owner and as long as no one inhabits said trailer for generally more than two weeks at a time.

ACTION: Staff read recommendations. Applicant appeared presenting his request. After discussion, motion made by Thorne, second by Abercrombie and all voting aye, the request was approved for 6 months in order for the applicant to get the house where it can be lived in, get the property cleaned up and re-locate his business.

CASE 3712

REQUEST: Brenda Bowman Rahrer is seeking to establish temporary sales of fireworks on C-1 Commercial zoned property. The property located at 3195 Stewarts Ferry Pike, Lot 2, Vastola Property is a portion of Parcel 1.04 on Wilson County Tax Map 118. The property consists of 2.26 acres.

ORDINANCE REFERENCE: SECTION 5.30 NEIGHBORHOOD COMMERCIAL (C-1) - 5.30.03 USES PERMISSIBLE ON APPEAL - H. Similar uses considered by the Board of Zoning Appeals to be consistent and compatible with those uses herein included.

5.30.04 USES PROHIBITED. Uses not specifically permitted or permissible on appeal.

ACTION: Staff read recommendations. Applicant appeared presenting her case. Thompson stated he had a conflict of interest and would not be voting on this case and Blaydes would be voting in his place. After discussion, motion made by Kawczynski, second by Blaydes and all voting aye, the request was approved for five (5) years along with the same time frame that the Linwood Road firework tent was given.

CASE 3713

REQUEST: Suzanne Atterbury is seeking a variance of five (5) feet from the south side yard setback requirement of fifteen (15) feet on the existing house and a variance of fifteen (15) feet from the rear yard setback requirement of forty (40) feet in order to build a deck. Applicant is also seeking a variance of ten (10) feet from the lot width requirement of one hundred and twenty-five (125) feet and a variance of approximately thirteen thousand, five hundred (13,500) square feet from the lot size requirement of forty thousand (40,000) square feet. The existing house is ten (10) feet from the south side property line and the variance will allow the deck to be twenty-five (25) feet from the rear property line. The property located at 403 Beacon Hill Drive, Lot 42, Glens Hills is Group "A", Parcel 13 on Wilson County Tax Map 31 "B". The property consists of approximately twenty-six thousand, five hundred (26,500) square feet and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.05 AREA REGULATIONS - B. SIDE YARD 1. For single and two-story structures located on interior lots, side yards shall be not less than fifteen (15) feet in width for a principal structure C. REAR YARD - 1. For principal

structures (not served by public sewer system) there shall be a rear yard of not less than forty (40) feet. [revised 12-13-93 revised resolution 07-7-4] - E. LOT WIDTH - 3. Where dwellings are not served by a public sewer system there shall be a minimum lot width of one hundred twenty-five (125) feet at the front building line. F. MINIMUM LOT AREA - 4. Each lot not served by a public sewer system but served by a public water system shall have a minimum lot area of forty thousand (40,000) square feet.

ACTION: Staff read recommendations. Applicant appeared presenting her case. After discussion, motion made by Neal, second by Kawczynski and all voting aye, the request was approved subject to staff recommendations.

CASE 3714

REQUEST: John Fox is seeking to establish an Airbnb/short-term rental on R-1 Residential zoned property. The property located at 551 Callis Road, Lot 4, Jones Heirs Property is Parcel 9.04 on Wilson County Tax Map 94. The property consists of 5.02 acres.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.03 USES PERMISSIBLE ON APPEAL - K. Bed and Breakfast Facility

1. Bed and Breakfast Facilities must possess onsite caretaker either living on premises or on a premise within 10 Miles of the Bed and Breakfast Facility to oversee operations.
2. Bed and Breakfast Facilities shall also provide contact information for the local caretaker, as outlined in item 1 above, as well as, contact information for the actual owner of the property if different from the local caretaker. This information shall be provided to the County Sheriff's office, the County Building inspector, and the Wilson Emergency Management Agency. Such required contact information shall include Name, a Valid Mailing Address, Phone number and Email address for the Caretaker and the owner of the property respectively. This information will be required upon approval of any Bed and Breakfast use, as defined in the Wilson County Zoning Resolution, by the Board of Zoning Appeals and prior to commencing operations.
3. Bed and Breakfast facilities as outlined by the Wilson County Zoning Resolution shall be required to meet the rules of the Tennessee Department of Health division of Food and Sanitation Chapter 1200-23-2 titled bed and breakfast establishments, where deemed applicable by officials of the Tennessee Department of Health.
4. Bed and Breakfast facilities as outlined by the Wilson County Zoning Resolution shall be required to have viable sewer septic as determined by the Tennessee Department of Environment and Conservation.
5. All properties in which this use is approved must have a minimum of two (2) acres.
6. This use will be approved in increments with option to request renewal or extension at the end of that time period.

ACTION: Staff read recommendations and also an email of opposition from Duston Robbins and a letter from the mayor stating the commissioner in the area, Tommy Jones gave permission to Commissioner Kevin Costley to speak on his behalf. John Stallworth, residing at 548 Callis Road appeared in opposition. Zack Stroud, residing at 525 Callis Road appeared in opposition. Ashley Jackson, residing at 701 Callis Road appeared in opposition. Chris Lovin, residing at 700 Callis Road appeared in opposition. Jim Duffle,

residing at 659 Callis Road appeared in opposition. Commissioner Kevin Costley appeared on behalf of Commissioner Tommy Jones in opposition. Kristi Lovin, residing at 700 Callis Road appeared in opposition. After discussion, motion made by Thompson, second by Kawczynski and all voting aye, the request was denied due to the applicant wanting to operate an event venue and the request was for an Airbnb.

There being no further business to come before the Board at this time, on motion duly made and seconded, adjourned.

Secretary